

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA **CITY COUNCIL/REDEVELOPMENT AGENCY** **CITY OF HUNTINGTON BEACH**

MONDAY, OCTOBER 18, 2004

*****Revised Pages. 2, 4, and 8*****

5:30 P.M. - Room B-8

7:00 P.M. - Council Chambers

Civic Center, 2000 Main Street

Huntington Beach, California 92648

The 5:00 p.m. portion of the meeting will be recessed by the City Clerk to 5:30 p.m. in Room B-8 due to an anticipated lack of quorum.

5:30 P.M. -Room B-8

Call City Council/Redevelopment Agency Meeting to Order – 5:32 p.m.

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook
Present

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

City Clerk read one Late Communication from Fire Department – Power Point “Hazard Mitigation Plan Review”.

Public Comments Regarding 5:30 P.M. Portion of Council Meeting (See Next Page for Study Session and Closed Session Agenda Items)

None

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.surfcity-hb.org>

*Revised Page***(City Council) Study Session – Presentation by the Fire Department on the Huntington Beach/Fountain Valley Hazard Mitigation Plan** (340.70)

→ The Fire Department will make a presentation on the Huntington Beach/Fountain Valley Hazard Mitigation Plan, which is on file for public review in the City Clerk's Office. **(See Consent Calendar Agenda Item E2)**

Chief Olson introduced Gloria Morrison, Emergency Services Coordinator/Hazard Mitigation Planning Committee Chair, who spoke on the Hazard Mitigation Plan. She spoke on: (1) Disaster Mitigation Act of 2000 (2) Project Contributors (3) Plan Layout (4) Hazards and Mitigation Strategies (5) Plan Completion.

Councilmember Cook asked about Global Warming. Councilmember Coerper asked how long staff worked on the project and if the information was on the Web site yet. Councilmember Cook inquired about earthquakes and building on those sites after a quake. Accolades were given to staff for their work.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following item:
Approved 6 – 0

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **AES Construction Group v. City of Huntington Beach**, Orange County Superior Court Case No. 04CC06597. (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting – 7:05 p.m.

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

None

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook
Present

Pledge of Allegiance/Flag Salute – To be led by Mayor Cathy Green

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – to be determined by the Mayor
Led by Councilmember Sullivan.

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)

Study Session, D-1, D-2, D-4.

Revised Page – Added Announcement**Announcement by Mayor Cathy Green Re: Poll Workers Needed for November 2, 2004 Election (.)**

→ Mayor Green to make announcement regarding the need for poll workers for the November 2, 2004 election.

Mayor Green announced qualification requirements and amount of stipend. The Registrar of Voters can be reached at 714-567-7580 or www.ocvote.org.

Presentation - Mayor Cathy Green to call on Mr. Ray Hiemstra, Vice Chair of the Environmental Board, to assist in recognizing the Environmental Board Award recipients for 2004. Commendations will be presented to the following individuals and groups: Huntington Landmark Recycling Club, Bolsa Chica Land Trust, Mark Bixby, Eileen Murphy, Mike McMahan, Ted Dowding, and the Los Angeles and Orange Counties Building and Construction Trades Council AFL-CIO and Associated Craft Unions. (160.40)

Mayor's Award - Mayor Cathy Green will be joined by Library Director Ron Hayden to present the Mayor's Award to Librarian Lia Hernandez. (160.40)

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding **items of interest or agenda items OTHER than Public Hearings.**

Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council. Councilmembers strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

**3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendaized.**

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium.

PUBLIC COMMENTS:

Speaker, City Council candidate, spoke regarding city's budget. He recommended stopping "soft money" in order to stop special interest advocacy groups and re-examine redevelopment.

Speaker spoke regarding bonds he alleged were released illegally by certain city officials.

Speaker from Pediatric Brain Tumor Support spoke regarding fundraiser Casino Night on November 19, 2004 at the Hyatt Hotel. For tickets call: 714-969-5635 or 949-459-9187.

Speaker spoke regarding Parkside-Shea properties with a Power Point presentation regarding raptor and other bird species. He gave his website as www.bixby.org/parkside.

Speaker informed Council that he is running for the State Assembly in the November 2004 election and announced his website, www.davesilva4assembly.org for further information.

Speaker spoke regarding agenda item D-2.

Speaker spoke regarding Huntington Harbour Property Owners Association and Las Fuentes community. He spoke regarding what he sees as noisy, frequent flight paths of aircraft over his neighborhood.

Councilmember Cook announced the jurisdiction of aircraft flight paths is the FAA and the City of Long Beach.

Speaker, candidate for the interim City Council vacancy spoke regarding his good fortune of having lived in Huntington Beach for the last 5 years. He presented his background as an attorney.

C-1. Council Committee/Council Liaison Reports

Councilmember Sullivan announced he is a member of the GMA 6. The city received \$150,000.00 for left turn modification at Brookhurst Street and Pacific Coast Highway and for a study of minor widening. The Bolsa Chica Augmentation Study received \$140,000.00 to look at the street for "Smart Street" efficiency. \$100,000.00 was received for Pacific Coast Highway and Warner Avenue intersection for studies with environmental concerns He thanked City Engineer Dave Webb and Transportation Manager Bob Stachelski for their work on these projects.

C-2. City Administrator's Reports

None

C-3. City Treasurer's Reports**C-3a. (City Council) Review and Accept Shari Freidenrich. City Treasurer's August 2004 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)**

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for August 2004.

Recommended Action: Motion to:

Review and accept the monthly investment report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for August 2004*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

City Treasurer Shari Freidenrich presented a Power Point report.

Approved 6 – 0

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Approval of Zoning Text Amendment (ZTA) No. 04-04 Amending Chapter 230 of the Zoning and Subdivision Ordinance (HBZSO) by Adding a New Section Entitled "Affordable Housing" Relating to the Construction of Residential Projects with Three or More Units – Approve Introduction of Ordinance No. 3687 (450.20)

Applicant: City of Huntington Beach

Request: To amend Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to include provisions for affordable housing. The proposed amendment would codify requirements to provide affordable housing in conjunction with construction of residential projects that consist of three or more units.

Location: Citywide

Environmental Status: Notice is hereby given that this agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on (Thursday before meeting) October 14, 2004.

ALL INTERESTED PERSONS are invited to attend said meeting and express opinions or submit evidence for or against the application as outlined above. If there are any further questions please call the Planning Department at 536-5271 and refer to the above item. Direct your written communications to the City Clerk

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

1. Approve Zoning Text Amendment No. 04-04 with Findings for Approval (ATTACHMENT NO. 1);

and

2. After the City Clerk reads by title, approve introduction of **Ordinance No. 3687- "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Adding New Section 230.26 thereto Entitled "Affordable Housing."**

Planning Director Howard Zelefsky presented orally and Senior Planner Mary Beth Broeren presented Power Point report. Planner Broeren referred to Late Communications received on this hearing.

Staff responded to Council inquiries regarding the communication from the Kennedy Commission, the Building Industry Association (BIA) and the Chamber of Commerce.

Director Zelefsky announced the percentages of the city with regards to affordability levels.

City Clerk Joan L. Flynn restated Late Communications for the record as they pertain to this public hearing.

Mayor Green asked if it was possible to give preferential treatment to Huntington Beach residents for affordable housing, to which Planning Director responded in the affirmative, suggesting an ordinance could be crafted.

Council inquired when the city has approved an affordability provision of less than 60 years and what other differences in requirements had been.

Motion made to amend recommended action to add setting percentages:

30% very low

40% low; and

30% median - per rental unit and with changes of code defining value of construction and not land.

Councilmember Sullivan expressed opposition to median level as the City already exceeded that amount.

Councilmember Boardman amended her own motion to which the second agreed to remove median level and remove set percentages.

Mayor Green requested maker of the motion to add preferential treatment for Huntington Beach residents.

Councilmember Sullivan suggested another motion be taken after motion on the table is voted upon.

Approved for introduction as amended.

5 – 1 (Green No)

Councilmember Sullivan made a motion for staff to report back ordinance of preferential treatment for Huntington Beach residents for affordable housing.

Councilmember Cook requested that preferential treatment also include those who work within the City and that a study of other cities be made to be added to the motion, to which the maker of the motion agreed.

Approved 6 - 0

Revised Page – Added Recommended Action

- D-2. **(City Council) Public Hearing Opened and Continued Open from 10/4/04 to Consider Approval of Zoning Text Amendment (ZTA) No. 01-03 (Mobile Home Park Conversions) Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Relating to Relocation Benefits – Approve for Introduction Ordinance 3689- Direct Planning Staff to Conduct Research of Further Modifications to Chapter 234 (450.20)**

Applicant: City of Huntington Beach

Request: **ZTA:** To amend Chapter 234 Mobilehome Park Conversions of the Huntington Beach Zoning and Subdivision Ordinance related to relocation benefits for mobilehome owners when a mobilehome park is converted.

Location: Citywide.

Environmental Status: Notice is hereby given that this agenda item, Zoning Text Amendment No. 01-03 is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Friday, October 1, 2004.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at (714) 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

————→ ** Copy of Public Hearing Opened and Continued Open from October 4, 2004 Council Meeting is included in the agenda packet.

————→ **Recommended Action:** Motion to:

1. After City Clerk reads by title, approve for introduction by roll call vote, **Ordinance No. 3689 – “An Ordinance of the City of Huntington Beach Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Mobilehome Park Conversions,” and Zoning Text Amendment No. 01-03 with Findings for Approval;**

and

2. Direct Planning staff to conduct additional research of further modifications to Chapter 234.

City Attorney Jennifer McGrath orally reported. Councilmember Boardman reported on the history of the ordinance, which was the subject of her 9/7/04 Council memo.

City Clerk Flynn restated Late Communications for the record.

City Attorney McGrath spoke regarding the defensibility of the proposed ordinance prepared by her office.

Councilmember Boardman pointed out changes proposed by the Golden State Mobilehome Owners League (GSMOL) of 10/15/04 are in keeping with amendments she is making to the ordinance.

Amended motion that appeals go to an arbitrator rather than the City Administrator – removing item G on page D-2.8.

***Approved for introduction as amended.
5 – 1 (Green No)***

D-3. (City Council) Public Hearing *Opened and Continued Open from 9/20/04 and 10/4/04 to Consider Approval of Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by Amending 15 Chapters of the Huntington Beach Zoning and Subdivision Code and Various Sections of the Downtown Specific Plan SP-5 – Approve Introduction of Ordinance Nos. 3668A or B and 3669 through 3682, Inclusive* (450.20)

Applicant: City of Huntington Beach

Request: To amend 15 chapters of the Huntington Beach Zoning and Subdivision Ordinance, codify policies and clarify certain sections of existing codes and amend various sections of the Downtown Specific Plan SP 5. The proposed amendments are intended to reduce the overall number of discretionary entitlement applications by allowing the use by right or having a lower level discretionary body review the entitlement.

Location: Citywide

Environmental Status: This Agenda Item is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on (Thursday before meeting) September 16, 2004.

All interested persons are invited to attend said meeting and express opinions or submit evidence for or against the application as outlined above. If there are any further questions please call the Planning Department at 536-5271 and refer to the above item. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

Approve Zoning Text Amendment No. 03-02 with findings for approval (Attachment No. 3) and after the City Clerk reads by titles, approve for introduction the following ordinances (**Attachment No. 1**):

Planning Commission Recommendation Ordinance No. 3668A (Attachment No. 1) OR Staff Recommendation Ordinance No. 3668B (Attachment No. 2) – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 203 - DEFINITIONS AND CHAPTER 241 - CONDITIONAL USE PERMITS;” and

Ordinance No. 3669 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED USE CLASSIFICATIONS;” and

Ordinance No. 3670 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED RESIDENTIAL DISTRICTS;”

(Continued on the Next Page)

Ordinance No. 3671 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED COMMERCIAL DISTRICTS;” **and**

Ordinance No. 3672 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED INDUSTRIAL DISTRICTS;” **and**

Ordinance No. 3673 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 214 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED PS PUBLIC-SEMI-PUBLIC DISTRICTS;” **and**

Ordinance No. 3674 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 220 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OIL PRODUCTION OVERLAY DISTRICT;” **and**

Ordinance No. 3675 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 222 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED FP FLOODPLAIN OVERLAY DISTRICT;” **and**

Ordinance No. 3676– “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SITE STANDARDS;” **and**

Ordinance No. 3677 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OFF-STREET PARKING AND LOADING PROVISIONS;” **and**

Ordinance No. 3678 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 233 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SIGNS;” **and**

Ordinance No. 3679 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 236 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED NONCONFORMING USES AND STRUCTURES;” **and**

Ordinance No. 3680 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 244 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED DESIGN REVIEW;” **and**

Ordinance No. 3681 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 250 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED GENERAL PROVISIONS;” **and**

Ordinance No. 3682 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE DOWNTOWN SPECIFIC PLAN OF THE CITY OF HUNTINGTON BEACH.”

Planning Director Howard Zelefsky orally reported. Assistant Planner Rosemary Medel presented Power Point report and Planning Manager Scott Hess was available for questions.

It was decided to take straw votes on the following items from page numbers D-3.3 through D-3.9 of the staff report:

- (1.) Straw vote to amend neighborhood notification to notify within 300 feet and 500 feet for CUP's.
Approved 5 – 0 – 1 (Green abstained)***
- (2.) Straw vote #7 and #8 - stays the same.
Approved 6 – 0***
- (3.) Straw vote #28 - stays the same.
Approved 6 – 0***
- (4.) Straw vote #19 – stays at Planning Commission level.
Approved 5 – 1 (Boardman No)***
- (5.) Straw vote #24 – stays the same.
Withdrawn***
- (6.) Straw vote #44 and #47 – stays the same.
Approved 5 – 1 (Coerper No)***
- (7.) Straw vote #75 – stays the same.
Approved 6 – 0***
- (8.) Straw vote #86 – stays the same.
Approved 6 – 0***
- (9.) Straw vote #96 – stays the same.
Approved 6 – 0***
- (10.) Straw vote #121 – stays the same.
Approved 6 – 0***
- (11.) Straw vote #114, #117, #119 and #122 – to go to the Zoning Administrator.
Withdrawn – take straw vote separately.***
- (12.) Straw vote – place #119 back on ordinance.
Approved 6 – 0
(No action on #122)***
- (13.) Straw vote – move for exemption that allows 2 feet lattice without building permit on 6 feet private property separation walls with neighborhood notification.***

***Motion to complete entire agenda.
Approved 5 – 1 (Green No)***

**(14.) Straw vote #125 – stays the same.
Withdrawn.**

***Straw vote to delete 23.120 and other references to compact parking.
Approved 6 – 0***

Straw vote to require commercial areas to have 1 bike space for every 20 car spaces and provisions for locking of bicycles such as a rack and be conveniently located near store entrances. No less than 3 or 4 bike spaces per lot.

Above motion to be brought back at next meeting – straw votes to be continued for introduction of ordinances.

***Motion taken to close public hearing and continue the item to 11/1/04 meeting.
Approved 6 – 0***

D-4. (City Council) Public Hearing to Consider Approval of the Fats, Oils and Grease (FOG) Control Program Amending Huntington Beach Municipal Code by Adding Chapter 14.56 for Regulation of Fats, Oils and Grease Discharged by Food Service Establishments into the Sewer System - Approve Introduction of Ordinance No. 3688 (1020.60)

Public hearing for the purpose of considering imposing a Fats, Oil and Grease (FOG) Control fee as an additional charge on food service establishments. This added charge is necessary to recover costs to implement a Fats, Oils, and Grease (FOG) Control Program as mandated by the State.

A Fee Study detailing the reasons and methodology for the FOG fee will be available for public review at City Hall, 2000 Main Street in the City Clerk's office between the hours of 8:00 a.m. and 5:00 p.m. beginning the Thursday before the Council meeting, October 14, 2004.

All citizens are invited to attend the public hearing and provide the City Council with written and oral comments and ask questions concerning the above proposals. Written communications to the City Council may also be mailed to the City Clerk.

The City of Huntington Beach endeavors to accommodate persons of handicapped status in the admission or access to, or treatment or employment in, City programs or activities. The City of Huntington Beach is an equal opportunity employer.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

After the City Clerk reads by title, approve introduction of **Ordinance No. 3688** – “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 14.56 Entitled Control and Regulation of Fats, Oils and Grease Discharged into the Sewer System.”

Public Works Director Robert F. Beardsley orally reported regarding the major benefits of the ordinance.

Principal Civil Engineer Todd Broussard presented Power Point report.

Video was presented regarding Kitchen Best Management Practices.

City Clerk Flynn restated the Late Communication announced earlier pertaining to this public hearing.

Director Beardsley requested that Public Works Commission recommendations on the Power Point presentation, slide No. 9 be included as an amendment to the ordinance.

Approved introduction of ordinance as amended inclusive of the Late Communication as restated for the record by City Clerk Flynn.

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of September 7, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Adopted and approved 6 – 0
- E-2. (City Council) Adopt Resolution No. 2004-85 Approving the Huntington Beach/Fountain Valley Hazard Mitigation Plan** (340.70) – Adopt **Resolution No. 2004-85** – “A Resolution of the City Council of the City of Huntington Beach Approving the Huntington Beach/Fountain Valley Hazard Mitigation Plan.” Submitted by the Fire Chief. Funding Source: None required. **(See 5:00 p.m. Study Session portion of the meeting.)**
Adopted 6 – 0
- E-3. (City Council) Accept Fiscal Year 2004/2005 Award from the Department of Justice – Local Law Enforcement Block Grant (LLEBG) – Establish a Separate Business Unit for and Authorize Expenditure of Funds** (340.70) – **1.** Accept the total grant award of \$32,331 from the Department of Justice for funding cycle 2004-2005 and appropriate funds; and **2.** Establish a separate business unit for this funding; and **3.** Authorize the Chief of Police to expend \$32,331 plus any accrued interest on Police Department equipment as described. Submitted by Police Chief. Funding Source: A 10% City match of \$3,233 is required and is within the Police Department’s 2004-2005 budget, under account 10070101. The grant account business unit will be established.
Approved 6 – 0
- E-4. (City Council) Accept Grant Award from the Office of Traffic Safety (OTS) Driving Under the Influence (DUI) Interdiction Program – Authorize Expenditure of Funds** (340.80) – **1.** Approve and accept the *State of California Business, Transportation & Housing Agency Office of Traffic Safety Grant Agreement Project Number AL0543* with the City of Huntington Beach; and **2.** Approve the appropriation of \$371,780 from the unreserved, undesignated General Fund Balance, to be reimbursed by the grant from the Office of Traffic Safety; and **3.** Authorize the expenditure of funds not to exceed \$371,780 to provide DUI enforcement, conduct DUI checkpoints/saturation patrols and conduct a DUI responsible beverage service education program. Submitted by Police Chief. Funding Source: This is a reimbursable grant, which is funded by the State of California-OTS in the amount of \$371,780 for the period of October 1, 2004 to December 31, 2006. Funds will need to be appropriated from the unreserved, undesignated General Fund Balance, but will be fully reimbursed by the grant from the Office of Traffic Safety. No other matching or in-kind City funds re required for this grant.
Approved 6 – 0

- E-5. (City Council) Approve Appropriation of Funds from the State Narcotics Forfeiture Account to Pay for Police Department Expenditures (320.45) – 1.** Appropriate \$250,000 from the State Narcotics Forfeiture Fund, number 21400214 to expense account 21470101; and **2.** Approve the expenditure of those funds to pay for costs within the Police Department. Submitted by the Police Chief. Funding Source: Appropriate \$250,000 from the State Narcotics Forfeiture Account, Fund 21400214 to expense account 21470101.
Approved 6 - 0
- E-6. (City Council) Accept Fiscal Year 2004/2005 Supplemental Law Enforcement Services Grant from the California State Citizens Option for Public Safety (COPS) Funding Program –Establish a Separate Business Unit – Appropriate and Authorize Expenditure of Funds (340.80) – 1.** Approve the spending plan for the Fiscal Year 2004-2005 SLESF grant; and **2.** Accept the grant award of \$291,597 from the County of Orange SLESF for funding cycle year 2004/2005; and **3.** Establish a separate business unit for this funding; and **4.** Authorize the Chief of Police to expend \$291,597, plus any accrued interest on technology associated with patrol related equipment as described; and **5.** Appropriate \$291,597, plus and accrued interest to be expended on patrol related equipment. Submitted by the Police Chief. Funding Source: No match will be required for this grant.
Approved 6 - 0
- E-7. (City Council) Authorize the Donation of Surplus DNA Lab Equipment to the Orange County Sheriff's Department for Use in the Forensic Crime Lab Analysis Unit (160.40) –** Authorize the donation of approximately twenty pieces of surplus DNA lab equipment to the Orange County Sheriff's Department for use in their Forensic Crime Lab. Submitted by the Police Chief. Funding Source: Not applicable.
Police Chief Kenneth Small clarified that the City cannot fully fund a DNA lab for analysis which is done at no cost by the Sheriff's Department and this action will assist them to continue the fine work they do for the City.
Approved 6 – 0
- E-8. (City Council) Authorize the Rejection of Bids for CC-1154, Gothard Street Rehabilitation and CC1107, Gothard Street Communications Conduit Combined Projects (Located between Ellis and Heil Avenues) – Direct the City Clerk to Return All Bid Bonds – Authorize the Re-Advertisement of Bids for CC-1154 (600.80)** 1. Reject all bids received for the Gothard Street Rehabilitation Project, CC-1154 and Gothard Street Communications Conduit Project (Phase 1), CC-1107 combined projects, and direct the City Clerk to return all bid bonds; and **2.** Authorize the Director of Public Works to re-advertise the Gothard Street Rehabilitation Project, CC-1154 for bids. Submitted by the Public Works Director. Funding Source: Project funds are budgeted in the Gas Tax, Arterial Rehabilitation, Street Improvements Account No. 20790008.82300. The engineer's preliminary estimate is \$628.850.
Approved 6 – 0

- E-9. **(City Council) Authorize Additional Expenditures for Beach Boulevard Widening Improvements at Edinger Avenue Project, CC-1105** (600.50) Increase the contract contingency amount in CC-1105 by \$20,000. Submitted by the Public Works Director. Funding Source: Adequate funds are budgeted in the Orange County Transportation Authority (OCTA) Grant Fund, Beach/Edinger Improvements, Street Improvements Account No. 87390003.82300. This amount includes a grant of \$452,519, and \$47,500 matching funds from the Traffic Impact Fund.
Approved 6 – 0
- E-10. **(City Council) Accept Grant between the California State Office of Criminal Justice Planning and the City for Violence Against Women/Domestic Violence Program Funds** (340.80) – **1.** Accept the grant between the State of California, Office of Criminal Justice Planning and the City of Huntington Beach; and **2.** Approve the appropriation of \$83,219 from the unreserved, undesignated General Fund Balance, to be reimbursed by the grant from the Office of Criminal Justice Planning; and **3.** Authorize the expenditure of funds not to exceed \$110,959 to pay for contract counseling services, a portion of a detective's salary and some operating costs related to domestic violence. Submitted by the Police Chief. Funding Source: A 25% City match of \$27,740 is required which has been included in the Police Department's 2004-2005 budget, under the General Investigations-General Fund, Account Number 10070203. The grant account business unit will be established.
Approved 6 – 0
- E-11. **(City Council) Approve and Accept the Department of Corrections Grant for a Vandalism Accountability Program - Authorize Expenditure of Funds** (340.80) – **1.** Accept the total grant award of \$33,004 from the Board of Corrections for funding cycle 2004-2005 and appropriate funds; and **2.** Establish a separate business unit for this funding; and **3.** Authorize the Chief of Police to expend \$33,004 plus any accrued interest on a juvenile vandalism accountability program. Submitted by the Police Chief. Funding Source: A 10% match of \$3,300 is required, which has been included in the 2003-2004 Police Department's budget, under the General Investigations-General Fund, Account Number 10070203.
Approved 6 – 0
- E-12. **(City Council) Approve Special Duty Pay for Public Works Interim Maintenance Operations Administrative Assignment** (700.20) – Authorize special duty pay to Debra Jubinsky, Field Service Representative, of \$2.29 per hour, effective June 5, 2004, and continuing through December 3, 2004. Submitted by Public Works Director and Administrative Services Director. Funding Source: With the vacant Senior Administrative Analyst position, an overall savings of approximately \$36,000 for the six months period will be realized in Refuse Administration, 50485103.51000.
Approved 6 – 0

F. Administrative Items**F-1 (City Council) Approve City Council Position on Propositions to be Considered by the Voters on the November 2004 Ballot (120.70)**

Communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Dave Sullivan and Councilmember Gil Coerper transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to propositions to be considered by the voters on the November 2004 ballot?

Recommended Action: Motion to:

1. **Oppose Proposition 70** – Giving Indian Tribes Exclusive Gaming Rights
Approved 6 – 0
2. **Reaffirm Opposition to SB2 by Opposing Proposition 72** – Requiring Employers to provide health care coverage for all their employees
Mayor Pro Tem Hardy orally reported clarifying difference between SB2 and Proposition 72.
3 – 3 No Action (Green, Boardman, Cook No)
3. **Information Item:** The City Council has previously taken positions on Propositions on the November 2004 Ballot as follows:

Support Proposition 1A – Protect Local Revenue from State Take Aways

Support Proposition 65 – Local Government Funds and Revenues. State Mandates

Oppose Proposition 68 – Tribal Gaming Compact Renegotiation. Non-Tribal Commercial Gambling Expansion. Non-Tribal Commercial Gambling Expansion Revenues, Tax Exemptions

G. Ordinances**G-1. Ordinances for Adoption - None****G-2. Ordinances for Introduction - None**

H. City Council/Redevelopment Agency Items**H-1a. Submitted by Mayor Cathy Green****(City Council) Presentation of Applications Received in the City Clerk's Office for Appointment to Fill the Vacant Seat on the City Council – Deadline for Application Set by Council at the October 4, 2004 Meeting** (120.40)

Communication from Mayor Cathy Green transmitting the following **Statement of Issue:** Attached please find 10 applications from the candidates who wish to be considered in filling the vacant seat on the City Council. The City Clerk has confirmed that all of the attached applications were received prior to 12:00 (Noon) on Wednesday, October 13, 2004. That is the deadline that was set by the City Council at its October 4th meeting.

In addition the City Clerk's Office received 1 application past the deadline, which is included in the agenda packet.

Mayor Pro Tem Hardy expressed preference of appointing Grace Winchell, due to her experience since it is for such a short period, and made the motion.

Substitute motion made by Councilmember Sullivan to have Grace Winchell preside at the end of meeting on 11/1/04 before midnight.

2 – 4 Failed (Coerper, Hardy, Boardman, Cook No)

Main Motion to appoint Grace Winchell.

3 – 3 No Action (Sullivan, Coerper, Green No)

***Motion by Councilmember Coerper to appoint William Kerwin.
Died for a lack of a second.***

Motion by Mayor Pro Tem Hardy to appoint Grace Winchell with no specific time to be sworn in clarified.

Councilmember Sullivan expressed opposition to the motion on the floor.

3 – 3 No Action (Sullivan, Coerper, Green No)

Motion by Councilmember Coerper to appoint Ralph Bauer at the beginning of 11/1/04 meeting.

Councilmember Sullivan substitute motion at end of 11/1/04.

3 – 3 No Action (Hardy, Boardman, Cook No)

Main Motion to appoint Ralph Bauer at the beginning of 11/1/04 meeting.

3 – 3 No Action (Sullivan, Hardy, Green No)

Motion by Mayor Green to appoint Al Coen prior to midnight 11/1/04.

2 – 4 Failed (Sullivan, Hardy, Boardman, Cook No)

Motion by Mayor Pro Tem Hardy to appoint Grace Winchell at 11/1/04 meeting prior to midnight.

Approved 4 – 2 (Green, Boardman No)

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Councilmember Coerper congratulated Eagle Scout Timothy DeFresne and commended Public Works Director Robert F. Beardsley on his staff flow chart.

Mayor Green thanked the Fire Department and Police Department for actions in assistance with her son.

Council/Agency Adjournment at 12:15 a.m. to Monday, November 1, 2004, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**JOAN L. FLYNN, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

Internet: <http://www.surfcity-hb.org>